

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-cv-00456-F

DARWIN JOHNSON, LATONJA D. JOHNSON,)
BRENDA MATHIS,)

Plaintiffs,)

v.)

ORDER

CITY OF FAYETTEVILLE,)
SHANE KOEHLER, *Individually*,)
JENNIFER RODRIGUEZ, *Individually*,)
PHYLLIS JERNIGAN, *Individually*,)
CHIEF THOMAS BERGAMINE, *in his official*)
capacity as Chief of FCPD and individually,)
DALE IMAN, *in his official capacity as*)
City Manager and individually, and)
HEATHER NICOLE ST. JOHN,)

Defendants.)

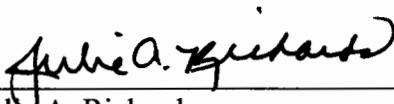
This matter is before the court on plaintiffs' motion to the clerk [D.E. 108]. Defendants filed a response in opposition to the motion [D.E. 124]. For the reasons that follow, the motion will be denied without prejudice.

Plaintiffs request that the clerk sign a form that will enable them to have a subpoena served in Ohio. Plaintiffs contend that, pursuant to Ohio Revised Code §§ 311.07 and 311.08, in order to have a subpoena served in Ohio, they must submit a Certification of Service form to the appropriate Ohio sheriff. The purpose of the form is to certify that the court issuing the documents has authority to do so and that the documents have been issued in compliance with the laws of the state of issuance. The form must be signed by a clerk, deputy clerk, or judge.

Plaintiffs failed to attach the subpoena to their motion, and the undersigned, therefore, cannot assess the propriety of the subpoena in order to make the requested certification. Furthermore, it

appears that plaintiffs have since filed a motion, which is opposed by certain defendants, asking the court for permission to issue the subpoena, because the time to respond to the subpoena would fall after the discovery deadline. See Pl.s' Mot. To Subpoena Records [D.E. 113]. Accordingly, plaintiffs' motion [D.E. 108] is denied without prejudice to refile a properly supported motion in the event the court grants plaintiffs' motion to issue the subpoena.

SO ORDERED. This 19th day of April 2013.



Julie A. Richards
Clerk of Court